



SOUTH DAKOTA 9-1-1 COORDINATION BOARD

MEETING MINUTES FOR OCTOBER 30, 2012

REDROSSA ITALIAN GRILL, PIERRE, SD

Board members present: Barthel, Carmon, Haines, Harding, Jaeger, Price, Rufledt, Sawvell, Serr, Turbak

Board members absent: Falken

Staff Present: Shawnie Rechtenbaugh (State 9-1-1 Coordinator), Jenna Howell (DPS Staff Attorney), Angie Lemieux (DPS Finance)

Others present: Bryan Krause (Ex Officio Board Member), Eric Erickson (Century Link), by phone: Yvonne Taylor (SD Municipal League)

I. Call to Order and Roll Call

Meeting called to order at 10:30 AM CST by Rechtenbaugh. Roll call was taken and a quorum was present.

II. Annual Election of Board Chair and Vice Chair

Barthel announced there was one nomination for the position of Board Chair, Ted Rufledt, Jr. Barthel called for additional nominations. Hearing none, nominations ceased. Barthel announced Rufledt as the Board Chair and went on to say members of the board had commented that Rufledt has served the board very well and the members felt he should continue to do so if willing.

Barthel announced there was one nomination for the position of Board Vice Chair, Marlene Haines. Barthel called for additional nominations. Hearing none, nominations ceased. Barthel announced Haines as the Board Vice Chair and also praised her on behalf of the board for the work she has done in this capacity.

III. Introduction of Ex Officio Member

Chair Rufledt introduced Bryan Krause, Verizon Wireless as the new Ex Officio member from Sioux Falls. He replaces Ron Goldschmidt who was no longer able to participate in this capacity.

IV. Approval of Agenda

Motion to approve agenda.

Moved by: Barthel Seconded by: Harding

Discussion: None

Motion carried unanimously.

V. Approval of August 23rd Meeting Minutes

Motion to approve August 23, 2012 meeting minutes.

Moved by: Jaeger Seconded by: Haines

Discussion: None

Motion carried unanimously.

VI. Items from Legal Counsel

A. Current Administrative Rule changes; Results of Public Comments and the Public Hearing.

DPS staff attorney, Jenna Howell provided a copy of the suggested revisions received from LRC. She also provided a copy of the revised rules incorporating the changes suggested by LRC. Jaeger raised concern on behalf of the counties regarding prohibited equipment, specifically radio towers and equipment shelters. After discussion, Jaeger clarified his concerns regarding 50:02:04:11 that tower space rental fees for public safety radio equipment is allowable under 50:02:04:09.

Motion to approve the administrative rules with the LRC revisions as discussed.

Moved by: Barthel Seconded by: Carmon

Discussion: Serr made a substitute motion.

Substitute Motion to vote on each rule individually.

Moved by: Serr Seconded by: Jaeger

Motion carried unanimously.

Motion to approve 50:02:02:04.

Moved by: Serr Seconded by: Harding

Discussion: None

Motion carried unanimously.

Motion to approve 50:02:02:03.

Moved by: Harding Seconded by: Sawvell

Discussion: None

Motion carried unanimously.

Motion to approve 50:02:04:07.

Moved by: Turbak Seconded by: Carmon

Discussion: None

Motion carried unanimously.

Motion to approve 50:02:04:11.

Moved by: Jaeger Seconded by: Turbak

Discussion: Price asked a clarifying question about equipment that is not listed.

Motion carried unanimously.

Motion to approve 50:02:04:12.

Moved by: Carmon Seconded by: Turbak

Discussion: None

Motion carried by a vote of 9 to 1. Opposed: Serr

Motion to approve 50:02:04:13.

Moved by: Haines Seconded by: Barthel

Discussion: None

Motion carried unanimously.

Howell reported the Rules Committee Hearing is scheduled for Tuesday, Nov 12, 2012 at 9am in room 414 of the Capitol. We are item 6 on the agenda. Howell has a flight to catch that morning, so will stay for as long

as she can. We are required to have a representative present to answer any questions, so Rechtenbaugh will attend and Carmon and Ruffedt both offered to attend if needed.

B. Update on 2013 Legislation

Howell reported DPS has submitted one bill related to providers and retailers retaining administrative costs. The amendment would add a statement saying they cannot keep administrative fees for any month they file or remit late or are not current with their payments pursuant to SDCL 34-45-9.

VII. Surcharge Remittance and Disbursement Report

Lemieux from DPS Finance Office reported the disbursements to date have gone very smoothly. Lemieux provided the board with a report showing the FY2013 DOR Collections. To date two months of surcharge revenue has been collected and disbursed.

Lemieux provided the board with the new Condition Statement which now shows the two sub-funds of the 911 Coordination Fund. The balance in Sub-fund 01, which is the 2% 911 surcharge on prepaid wireless service, is \$556,979. This includes the balance that had accumulated in the 911 Coordination Fund prior to July 1, 2012 from the \$0.75 911 surcharge on prepaid wireless service. The balance in sub-fund 2, which is the portion of the \$1.25 monthly billed 911 surcharge earmarked to the 911 Coordination Fund for NG911, after 2 months of collection is \$459,338. Total balance in the 911 Coordination Fund is \$1,016,317.

Lemieux reported to date we have received billing from DOR in the amount of \$72,693.83 for the system and software changes used to collect and disburse 911 surcharge funds at the state level. Lemieux stated presently data is not easily accessed and she is dependent on DOR for any reports or sorting of the data. She would like to have the ability to export the data into Excel for those purposes. This would also lessen our dependence on DOR. Carmon stated on-going costs were not to be paid with 911 funds. Lemieux and Rechtenbaugh will visit with DOR to see if there will be any other billing for the system and software changes related to implementation of SB 174 and will report back to the board at the next meeting.

Serr stated Perkins County has several inter-county agreements with both SD and ND counties. In order to calculate what portion of the Perkins County surcharge needs to be paid to each of their contracted 911 Centers, they need to know their line counts by teleco. Carmon suggested he contact the telcos and request the line count information. The line count information by teleco is not available from DOR as it is proprietary information and by law it cannot be released.

VIII. Allowable Expenditure Request from Charles Mix County PSAP

Ruffedt presented a request from Sheriff Thaler of Charles Mix County that web based mass notification services be considered an allowable expenditure of 911 funds.

Motion to deny the request.

Moved by: Carmon

Seconded by: Harding

Discussion: Serr asked the board to consider allowing local PSAPs to decide what paging method is best and that this service be considered an extension of dispatch. Price asked if fixed paging equipment is allowable and if other similar services are in use in other PSAPs? Harding asked if this is the first county to ask about

mass notification services and was concerned it could open the flood gates for other counties to have similar services paid from 911 funds.

Haines stated there are other similar services out there and that some PSAPs probably have used 911 funds to pay for the service.

Krause said there are many reasons why there can be delays when using text messaging as a primary method of notifying responders of calls, but he felt texting was reliable most of the time. He said Texting is preferred during emergencies to calling because it uses less cellular system capacity.

Carmon stated he is opposed because the technology is not reliable. Texting is not a function of the 911 system and therefore 911 fees should not be used for it.

Jaeger stated some of the counties have started using this type of service, but used EM funds.

Turbak asked how much of this is being driven by affordability because they do not have funds for fixed paging equipment. If so, Turbak wondered if perhaps the board should consider grant funds to help cover the cost of needed paging equipment at back up PSAPs.

Rufledt advised local governments email servers are used in Sioux Falls and Rapid City and elsewhere to send text messages to responder cell phones as a secondary notification method. Haines and Barthel advised they used Nixel, a free service. Barthel suggested perhaps we should delay the decision to allow time to communicate other options to the Sheriff and gather more information.

Substitute motion to deny but also provide information to Charles Mix of other options. As the board looks into the issue further.

Moved by: Harding Seconded by: Carmon

Substitute Motion to table the item for further consideration at a future date.

Moved by: Jaeger Seconded by: Serr

Roll call vote: Motion passed eight to two.

Yeas: Barthel, Carmon, Haines, Jaeger, Price, Sawvell, Serr, Turbak

Nays: Harding, Rufledt

IX. NG911 Consultant RFP

Rechtenbaugh emailed the draft consultant RFP to board members prior to the meeting for review. Board members discussed the draft RFP.

Motion to approve the RFP with the timeline changes as discussed and removal of the "not to exceed" dollar amount.

Moved by: Harding Seconded by: Jaeger

Discussion: Carmon stated it may improve the overall responses if we leave the not to exceed dollar amount in.

Roll call vote: Motion passed seven to three.

Yeas: Haines, Harding, Jaeger, Rufledt, Sawvell, Serr, Turbak

Nays: Barthel, Carmon, Price

The board then discussed the process after proposals are received and the need for a review committee to meet with or interview respondents if needed, score the proposals and bring a recommendation to the full board on which respondent(s) to enter into contract negotiations with.

Motion to form a proposal review committee including Carmon, Rufledt, Sawvell, Serr and Rechtenbaugh with Jungman as a non-voting member.

Moved by: Turbak Seconded by: Haines

Discussion: None

Motion passed unanimously.

X. State 911 Master Plan

Rufledt lead a discussion of the draft State 911 Master Plan. Key principals were discussed and the potential outcomes of each decision.

Motion to acknowledge the key principals as discussed.

Moved by: Turbak Seconded by: Serr

Discussion: None

Motion carried unanimously.

XI. Coordinators Report

- A. Secretary Jones was invited to present to the Government Operations and Audit Committee (GOAC) on Oct. 15th in Pierre. Jones and Rechtenbaugh presented information to GOAC updating them on the disbursement process to date.
- B. City/county annual financial report – Rechtenbaugh has been seeking bids from the several entities to convert the existing annual report from an Excel sheet to a web based form. The change would make the form more user friendly, the data collected more accessible and allow for other report options. Howell will check with the Attorney General's office about how to proceed with reviewing the bids related to open record laws and public meetings. This item was continued to a future meeting.
- C. E911 federal grant closeout – the E911 grant ended September 2012. The original grant amount on Oct. 1, 2009 was \$910,365.39. There were 11 sub-grantees, including counties, cities and tribes who were recipients of the grant program. Four of the 11 sub-grantees utilized their award. Those that did not mostly reported budgetary constraints as the reason since the grant did require a 50% match. This resulted in \$195,520 in payments to sub-grantees and \$714,845.39 being turned back to US DOT/NHTSA. All reports have been completed to close out the grant.
- D. PSAP on-site visits – Rechtenbaugh asked the board to consider how they would like her to proceed with on-site visits to the remaining PSAPs. The board requests Rechtenbaugh work on getting to as many of the remaining 23 PSAPs as she can considering her other duties between now and the start of the 2013 legislative session. Rechtenbaugh will check with Tom Sandvick whom we have a current consultant contract with, to see if he might be available to assist with some of the visits. The reviews will be informal with the goal of determining the statewide level of compliance with current 911 administrative rules. Rechtenbaugh will also communicate the boards' direction and vision for NG911 to assist PSAPs with planning decisions.

XII. Subcommittee Assignments and Reports

i. Legislative Subcommittee

Subcommittee Chair Carmon. Nothing to report at this time.

ii. Technical Subcommittee

Subcommittee co-chairs, Serr and Carmon. Have a framework of what they will submit to Ted for the Master Plan.

iii. Operations Subcommittee

Subcommittee co-chairs Haines and Falken. Subcommittee has not met since the last board meeting. The committee was asked to review the possible need for an admin rule on early Life Flight activation protocols. The committee felt at this time it was not needed. The subcommittee had submitted a list of other operational issues for inclusion in the Master Plan. Rufledt asked the committee to follow up on each with suggested solutions or actions to be included in the plan.

iv. Funding Subcommittee

Subcommittee chair Turbak. Met by conference call recently to discuss 4-5 items the board asked the committee to follow up on. The DLA audit highlighted an issue from multiple counties who asked if the board would consider an exception to the allowable wages rule. They would like to see the county 911 coordinator's wage be paid based on the percent of time they spend on 911 activities. Rufledt asked that the committee draft language to amend the Admin Rule to allow for 911 coordinator salary to be covered with 911 funds based on the % of time they spend on 911.

The committee also discussed the Annual Financial Report and suggested a letter be sent to the county/PSAP outlining any concerns or errors in their report.

Turbak suggested the board needed to draft a budget or projections for the year to monitor their spending and planned spending. Lemieux provided a copy of the 911 Coordination Fund Budget. Previously the Coordination Fund was unbudgeted, but for 2014 an informational budget was submitted. Rufledt asked the subcommittee to determine what additional detail or lines they would like added to the budget for monitoring and to work with Rechtenbaugh to create this additional budget document for board use.

XIII. Other Business

- A. THOR update – Rufledt advised North Dakota responded that their 911 committee was unable to support a joint SD/ND effort to provide both states with THOR coverage. Rufledt advised he felt it was not something the board should continue to pursue further due to the cost and lack of interest from North Dakota.
- B. 2013 Meeting schedule is as follows: 2-7-13, 4-11-13, 6-13-13, 8-15-13, 10-24-13, 12-12-13. All meetings will be held in Oacoma with the exception of the October Annual Meeting which will be held in Pierre.
- C. Next board meeting is December 13, 2012 at Cedar Shore Resort in Oacoma. 10:00am CDT start.

XIV. Public Comment

There was no public comment.

XV. Adjourn

Motion to adjourn.

Moved by: Haines

Seconded by: Jaeger

Discussion: None

Motion carried unanimously.

Meeting adjourned at 3:30pm central time.